

**MINUTES**  
**UTAH MASSAGE THERAPY BOARD**  
**May 13, 2003 - 9:00 A.M.**  
**Room 4B - Fourth Floor - Heber Wells Bldg.**  
**160 East 300 South, Salt Lake City, Utah**

**CONVENED: 9:09 A.M.**

**ADJOURNED: 12:58 P.M.**

**PRESENT:**

Clyde Ormond, Bureau Manager  
Marty Simon, Board Secretary  
Board Members:  
Ray Pippin      Carlotta Veasy  
Richard Engar   Karen Lessman-Hughes

**ABSENT:**

Denise Tufly

**GUESTS:**

Craig Jackson, Division Director; Craig Sorenson, Ogden Institute of Massage Therapy; Duke Cassell and Roger Olbrot, Myotherapy College of Utah; Ron Findley, Utah Massage Therapy Association.

**TOPICS FOR DISCUSSION:**

**DECISIONS AND RECOMMENDATIONS:**

**ADMINISTRATIVE BUSINESS:**

Minutes

The minutes of the February 11, board meeting were approved as revised.

**DISCIPLINARY/HEARINGS:**

R. Shaun Petty – Stipulation & Order  
Ian George – Stipulation & Order

These were reviewed by the Board.

**APPOINTMENTS:**

9:30 A.M.  
Mitch Adams

Mr. Adams did not meet with the Board to review his criminal charges as they relate to his application for licensure. Therefore, his application is automatically denied.

9:45 A.M.  
Chantal Christensen

Ms. Christensen called to say she could not keep this appointment with the Board. She did not give a reason why in the message she left. Ms. Christensen has missed three scheduled appointments and failed to submit four "Employer Reports" since her probation commenced on June 13, 2002. The Board determined she is not in compliance with the terms and conditions of her Memorandum of Understanding (MOU). A motion was made by Mr. Pippin and seconded by Mr. Engar recommending that an Order to Show Cause be issued. The motion carried unanimously.

10:00 A.M.  
Clarissa Williams

Ms. Williams met with the Board for her probation interview. She submitted two positive "Employer Reports", one from the Spa Club, where she is working under direct supervision. The second one was from Myotherapy College of Utah, where she had been working part-time, but will no longer be working there.

The Board determined she is in compliance. A motion was made by Mr. Pippin and seconded by Ms. Veasy to not require her to meet with the Board in August but she will still be required to submit her quarterly "Employer Report". The motion carried unanimously. She was then scheduled to meet with the Board again at 10:00 A.M. on November 18, 2003.

10:15 A.M.  
Kellieanne Fredin

Ms. Fredin met with the Board to discuss her recent criminal charges of Possession of Marijuana and Possession of Drug Paraphernalia on October 23, 2002. She had written a letter to the Division informing them of these charges that had occurred since she obtained her license on November 21, 2001. She stated she is on a plea in abeyance until June 2004. She further stated she is currently working at the Sego Lily Spa.

A motion was made by Ms. Veasy and seconded by Mr. Pippin to put her on an MOU for two years and issue her a probationary license. The MOU should contain the following specific items: 1. random drug screens; 2. meet with the Board quarterly or as requested; and 3. submit quarterly "Employer Reports". The motion carried unanimously. Ms. Fredin indicated she is planning to move to Texas in six months. Mr. Jackson suggested that language be put in the MOU to allow Texas to continue the probation rather than asking her to surrender her license at that time.

10:45 A.M.  
Richard Cabral

Mr. Cabral did not meet with the Board to review his criminal charges as they relate to his application for licensure.

11:15 A.M.  
Tyler Nielsen

Mr. Nielsen met with the Board for his probation interview. A positive "Employer Report" was received from his supervisor, Lori Stephens, at World Gym in American Fork. The drug screen Mr. Nielsen took on April 19, 2003 was negative. The Board determined he is in compliance. He was scheduled to meet with the Board again at 11:15 A.M. on August 12, 2003.

11:30 A.M.

Stephen Thornock,

Todd Wyler & Brett Paulsen

Mr. Wyler and Mr. Paulsen, attorneys representing Mr. Thornock, accompanied him to review his application

for licensure with the Board. The Board had denied him for licensure at the February 11, 2003 board meeting. Ted Boyer, Dept. of Commerce Director, remanded it back to the Board for further consideration.

Mr. Thornock had been convicted of Robbery and Attempted Aggravated Burglar, both 2<sup>nd</sup> Degree Felonies, on July 27, 2000. These incidents occurred at his place of employment. Mr. Thornock was asked to explain why he was involved in these charges. He then explained the circumstances of the charges with Mr. Wyler and Mr. Paulsen also speaking in his behalf. Mr. Wyler feels Mr. Thornock has made some significant changes in his life. He doesn't think these charges would affect his ability to work as a massage therapist. Mr. Paulsen stated he is a changed individual from the first time he met him. Mr. Thornock has been working at Wendys and Orange Julius and now has the opportunity to become employed as a massage therapist.

The Board expressed their concern about his alleged involvement with the robbery and his prior knowledge of what his friends were considering doing. They asked him if he would report it if it should occur again and he stated he would. Mr. Wyler stated if Mr. Thornock had obtained legal counsel at the time the charges might have been plea-bargained down. The Board also noted that the charges did occur prior to his attending massage therapy school.

A motion was made by Mr. Engar and seconded by Ms. Veasy to go to a closed session to discuss the matter in detail. The motion carried unanimously. All guests were excused from the room.

A motion was made by Mr. Engar and seconded by Ms. Veasy to come out of closed session. The motion carried unanimously. Guests were invited back into the room.

The Board then informed Mr. Thornock and his attorneys that they had decided to put him on a MOU for two years and issue him a probationary license. The MOU would contain specific items as follows: 1. meet with the Board quarterly or as requested, 2. submit quarterly "Employer Reports", 3. work only under the direct supervision of a licensed massage therapist, and 4. at the end of his

Stephen Thornock Apt (cont)

probation he must provide a criminal background report from the Bureau of Criminal Identification (BCI) showing that he has no additional criminal charges.

Mr. Ormond then instructed him to review the terms of the MOU carefully and have his legal counsel review it also. He was then scheduled to meet with the Board at 10:00 A.M. on August 12, 2003 for his first probation interview, contingent upon his signing the MOU.

#### **NEW APPLICATIONS:**

Jamie Melissa Baker

The Board could not review Ms. Baker's application as no police reports or court documents had been requested for the criminal charges indicated in the application. A letter will be written requesting these.

Desiray Buttars

The Board reviewed Ms. Buttars' application that showed criminal charges of Attempted Poss w/Intent to Dist C/Substance, 3<sup>rd</sup> Degree Felony; Poss of a C/S, Misdemeanor A; Driving Under the Influence of Alcohol/Drugs, Misdemeanor B; and Fail to Remain Scene of Accident-Damage, Misdemeanor B, on November 12, 2002.

The Board noted these charges occurred after she had graduated from the Utah College of Massage Therapy on June 5, 2002 so she should have been aware her actions were unethical according to her profession's ethical code. She served 2 days in jail and was placed on probation for 24 months on December 20, 2002. She has completed drug counseling with Intermountain Center for Cognitive Therapy. Aggravating circumstances are: endangered public safety, her drug counseling was court ordered not voluntarily done. Mitigating circumstances are: attended drug counseling, completed community service, she is now 23 yrs old, and she admitted to the charges.

A motion was made by Mr. Pippin and seconded by Ms. Veasy to deny her for licensure as a massage therapist based upon the short length of time since the charges occurred and that she is still on probation. The motion carried unanimously.

Brett Perkins

The Board reviewed Mr. Perkin's application for licensure that showed an extensive criminal history from February 1997 through October 2000. The charges included various alcohol related charges, Disorderly Conduct, Simple Assault, Possession of a Deadly Weapon, and False Information to Police. He completed court probation for his last charge in December 2001.

Brett Perkins (cont)

These charges were all prior to Mr. Perkins attending massage therapy school.

A motion was made by Ms. Veasy and seconded by Mr. Pippin to invite Mr. Perkins to meet with the Board on August 12, 2003, and bring documentation of is completion of alcohol counseling and a recommendation from his counselor as to his ability to work in this profession as it relates to public safety. They also want him to explain what he has done or is currently doing to improve his life since 2001. The motion carried unanimously.

Michael Samo

The Board reviewed his application for licensure that showed criminal charges of Driving Under the Influence of Alcohol on August 31, 1998 in Michigan; Possession of Marijuana and Possession of Drug Paraphernalia on October 2, 2001 in Utah. In his letter he stated he was using the marijuana for a medical condition with his eye. He attended AA for a year and Focus Counseling. He graduated the Utah College of Massage Therapy on October 15, 2002 and passed the NCBTMB exam on April 16, 2003.

A motion was made by Mr. Pippin and seconded by Mr. Engar to put him on a MOU and issue a probationary massage therapist license. The MOU should contain the following specific items: 1. random drug screens; 2. meet with the Board quarterly or as requested; and 3. submit quarterly "Employer Reports". The motion carried unanimously.

Leslie Diane Smith

The Board review Ms. Smith's application for the renewal of her license. She provided documentation the Third District Court and the Dept. of Public Safety that showed a criminal charge of Alcohol/Drug-Related Reckless Driving on November 9, 2001 to which she pled guilty. A motion was made by Mr. Pippin and seconded by Mr. Engar to renew her license. The motion carried unanimously.

Renaissance School of Massage Therapy

The Board reviewed the curriculum for this massage therapy school. It listed a 700-hour course, a breakdown of the classes within that course and the instructors. They included documentation showing they have a 100% pass rate on the NCBTMB exam. The curriculum appears to comply with the recommended guidelines for a curriculum. A motion was made by Mr. Pippin and seconded by Ms. Veasy to approve their curriculum. The motion carried unanimously.

**CORRESPONDENCE:**

Bill Loos Opinion Letter

Mr. Loos' letter was read to the Board by Mr. Ormond. regarding his legal opinion on the massage of the internal areas of accessible orifices (excluding vaginal and anal orifices). He stated that since massage therapists are allowed to relieve pain it seems that massaging the internal areas of accessible orifices would be within their scope of practice. Mr. Findlay asked if he could put this opinion in the Massage Therapy Newsletter? Mr. Ormond stated this is an unofficial opinion so it can't be shared in publication until he checks with Mr. Loos.

Mr. Loos later agreed that the opinion was an unofficial one and should not be released for public use. It should be retained for the Board's use in forming positions regarding these types of massages.

Darlene Merritt Letter

The Board had reviewed Ms. Merritt's curriculum for Cottontree Academy of Advanced Massage Therapy before and noted her curriculum advertised Rolph and Upledger methods, which the Board saw as a "red flag". In her letter, she states her school is closing and she is joining with American Institute School. Her letter of reply didn't clarify whether she was using those methods. She stated that five students have graduated from her school in April, 2003. Mr. Walker suggested the curriculum be approved for these students only, contingent upon their passing the NCBTMB exam.

Liz Young Email

An E-mail was received from Ms. Young inquiring what is required in a curriculum for a massage therapy school. Mr. Ormond's reply referred her to R156-47b-302a (1) (b) for the minimum requirements.

NCBTMB Letter

A letter was received notifying the Board of the two new credentials, one in massage therapy and one for advanced practice in massage therapy. There will also be two types of exams offered. The NCE exam will require the applicants to become certified and the NLE will not.

Utah College of Massage Therapy Letter

Mr. Ormond read a letter from the College that objects to the proposed implementation of a Massage Therapy Education Peer Committee as stated in the proposed rules. They suggested changing the two individuals who are instructors in massage therapy to two individuals who are directly responsible for the development of curriculum and educational programming for an accredited massage therapy school. Also, remove the one individual who represents the Utah Committee of Bodywork Schools. Mr. Ormond asked the Board and any of the school representatives present, if they felt

these objections merited a hearing for this change to the rules. Mr. Sorensen stated his school's instructors are not involved with the development of the curriculums, they have curriculum developers who do this. Mr. Pippin stated having a school instructor on the committee would be micro management. Ms. Lessman-Hughes thought instructors from certain schools might be biased as to the type of curriculum developed. Mr. Ormond stated the committee members would agree to leave their prejudices behind just like the board members do. Mr. Findley asked how the school instructor would be chosen. Mr. Ormond stated a letter would be sent to the schools asking for recommendations.

Mr. Sorensen inquired how the representative from the Dept. of Education could help to develop the curriculums. Mr. Ormond stated even though they don't know anything about massage they would know the type of curriculums that would meet the requirements for the PEL grants and other types of funding.

Mr. Ormond stated the Division requires an Education Review Peer Committee to review curriculums for these types of schools, such as massage therapy, cosmetology, etc.

It was decided to leave the language in the proposed rules as it is for now and if there are serious objections in the future the wording can be changed.

#### COMTA Accreditation

Information regarding a Call for Comment concerning the new rules for accreditation of schools was given to the Board for review. Mr. Ormond stated we should submit comments about anything that would affect us. Ms. Lessman-Hughes agreed to review this and send a reply to COMTA.

#### **DISCUSSION ITEMS:**

##### Massage Therapy School Curriculum Guideline

Mr. Ormond reviewed some curriculum guidelines he had developed with the Board. These guidelines could be a starting point for the committee.

##### Renewal Procedures

Mr. Ormond informed the Board of the new question on the renewal form that asks about any criminal charges since the last renewal of license. He also spoke about the investigative procedures of the Division as they pertain to this profession.

##### Guidelines for Criminal Apps

Mr. Walker suggested developing some guidelines to give to the massage therapy schools so they can inform

applicants with criminal backgrounds their chances for licensure are. Mr. Ormond stated the Legislature's position is that policies must be put in the rules. He agreed to develop some wording to send out to the Board for their review

**NEXT BOARD MEETING:**

August 12, 2003

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DATE APPROVED

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CHAIRPERSON, UTAH MASSAGE  
THERAPY BOARD

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DATE APPROVED

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BUREAU MANAGER, DIVISION OF  
OCCUPATIONAL & PROFESSIONAL  
LICENSING